

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Sep 22, 2025

SEAN F. MCAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

ALI KANE,

Plaintiff,

v.

CHLARSON,

Defendant.

NO: 2:23-CV-0204-TOR

ORDER DISMISSING COMPLAINT
WITHOUT PREJUDICE

BEFORE THE COURT is the Court's Order continuing this case and directing the parties to comply with filing exhibit and witness lists, jury instructions and trial briefs, and a joint proposed pretrial order. ECF Nos. 109 and 104. Plaintiff, is proceeding *pro se*, and has not complied with the Court's Order. Plaintiff was warned that failure to comply with the Court's deadlines "could result in an adverse ruling or dismissal of this action." ECF No. 109.

Here, the Court has weighed the factors required to be considered prior to dismissal. *Carey v. King*, 856 F.2d 1439, 1440 (9th Cir. 1988) (quoting five factors

1 listed in *Henderson v. Duncan*, 779 F.2d 142, 1423 (9th Cir. 1986)). Additionally,
2 notice to Plaintiff now would be a futile gesture and no less drastic sanction is
3 available to the Court. *Carey*, 856 F.2d at 1441. It would be absurd to require this
4 Court to hold this case in abeyance indefinitely waiting to see if Plaintiff would
5 someday file the required pleadings. *See id.*

6 **ACCORDINGLY, IT IS HEREBY ORDERED:**

- 7 1. The Complaint is **DISMISSED without prejudice** for failure to prosecute.
8 2. All pending motions, pretrial conference and trial are **VACATED**.

9 The District Court Executive is directed to enter this Order, enter judgment, and
10 **close** the file.

11 **DATED** September 22, 2025.



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A handwritten signature in blue ink that reads "Thomas O. Rice".

THOMAS O. RICE
United States District Judge